

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith, Kyl L.
Title: COMPOSITIONS FOR
IMPROVING MENTAL
PERFORMANCE
Appl. No.: 10/519,515
Filing Date: 12-07-2004
Examiner: FLOOD, MICHELE C
Art Unit: 1655
Confirmation 2543
Number:

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is filed in response to the Restriction Requirement set forth in the Office Action mailed April 10, 2007. Please note that prosecution of this case has been transferred to the Firm of Foley & Lardner LLP. A Revocation and New Power of Attorney is filed herewith, along with a Petition for Three Month Extension of Time and the appropriate fees.

Applicant hereby provisionally elects Group I, Claims 1-8, for examination. Regarding the requirement for election of a species, Applicant provisionally elects the species disclosed as claim 2. Applicant respectfully traverses the Restriction Requirement, on the grounds that the claims are co-extensive, and a search of all groups is not considered an unnecessary burden on the Office.

The Commissioner is hereby authorized to charge any additional fees believed due with this submission and to credit any overpayment, to Deposit Account No. 19-0741. If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at telephone (617) 342-4000.

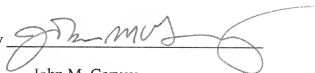
The Applicants submit that the present application is in condition for allowance and such action is respectfully requested. Should any questions or issues arise concerning this application, the Examiner is encouraged to contact the undersigned at the telephone number 617-342-4000.

Respectfully submitted,

Date July 24, 2007

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4085
Facsimile: (617) 342-4001

By

A handwritten signature in dark ink, appearing to read 'John M. Garvey', written over a horizontal line.

John M. Garvey
Attorney for Applicant
Registration No. 37,833